

Pradeep Vs. State of Kerala

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Court : Kerala

Decided On : Jul-03-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Pradeep

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 3D DAY OF JULY 2014 12TH ASHADHA, 1936 Bail Appl..No. 4708 of 2014 () ----- CRIME NO. 747/2014 OF MANNAR POLICE STATION, ALAPPUZHA DISTRICT. PETITIONER/ACCUSED NO.2: ----- PRADEEP, AGED 27 YEARS, S/O. BALAN, PERETHRA KIZHAKKETHIL, GRAMAM MURI, ENNAKKAD VILLAGE, CHENGANNUR, ALAPPUZHA DISTRICT, PIN - 689 121. BY ADVS.SRI.C.S.MANU, SRI.S.K.PREMRAJ.

RESPONDENTS/COMPLAINANT & I.O:
----- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN -682 031.

2. CIRCLE INSPECTOR OF POLICE, MANNAR, ALAPPUZHA DISTRICT, PIN - 670 702, (NOTICE TO THE RESPONDENTS MAY BE SERVED ON THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM). BY PUBLIC PROSECUTOR MR.V.S. SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0307-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. THOMAS P. JOSEPH, J.

----- Bail Appl.No. 4708 of 2014 () -----
Dated this the 3rd day of July, 2014

ORDER

Petitioner is second accused in Crime No.747 of 2014 of the Mannar Police Station for the offences punishable under Sections 370 & 420 read with Section 34 of the Indian Penal Code, apprehends arrest and has filed the application. 2.Learned Public Prosecutor has opposed the application. It is submitted that Petitioner and other accused offered the de facto complainant job of Electrician at Qatar on a salary of 1,200/- Qatar Riyal per month and collected `2,10,000/- from him. The de facto complainant (according to him) was sold by the petitioner and other accused for slavery. The third accused was arrested on 23.05.2014 and released on bail. The first accused is absconding. 3.Learned counsel submits that the allegations are not Bail Appl.No. 4708 of 2014 () 2 true. The de facto complainant was provided job which was offered to him and visa also was arranged but he did not like the job and returned. Thereafter, he threatened the petitioner for which a complaint was preferred. That was followed by the de facto complainant filing the present complaint. 4.Having regard to the circumstances of the case, I am inclined to think that custodial interrogation of the petitioner is not required. But he must make himself available for interrogation. I must also protect the interest which the de facto complainant claims. The application is allowed as under :

1. Petitioner shall surrender before the officer investigating Crime No.747 of 2014 of the Mannar Police Station on 14.07.2014 at about 10.00 am.

2. In case interrogation is not completed that day, the petitioner Bail Appl.No. 4708 of 2014 () 3 shall appear before the officer investigating the case on any other

day/days and time as directed by the investigating officer.

3. In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day.

4. On such production, the petitioner shall be released on bail, if not required to be detained otherwise on his executing bond for `20,000/- (Rupees twenty thousand only) with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions : a. One of the sureties shall be a close relative of the petitioner . b. Petitioner shall deposit `50,000/- (Rupees fifty thousand only) in a nationalised/Scheduled bank or co- Bail Appl.No. 4708 of 2014 () 4 operative society as the case may be, initially for a period of two years (renewable as per order of the learned Magistrate) and produce the Fixed Deposit receipt before the learned magistrate while executing the bail bond. c. In case the petitioner is made liable to pay compensation to the de facto complainant, such compensation the extent possible could be realised from the amount in deposit. d. Petitioner shall report to the investigating officer as and when required for interrogation. e. Petitioner shall not get involved in any offence during the period of this bail. f. Petitioner shall not intimidate or influence the witnesses. g. In case any of condition Nos.(d) to (f) is violated, it is open to the investigating Bail Appl.No. 4708 of 2014 () 5 officer to file application before the learned magistrate for cancellation of the bail granted hereby, as held in P.K.Shaji v.State of Kerala [AIR 2006 SC100. sd/- THOMAS P. JOSEPH JUDGE AMV /TRUE COPY/ P.A.TO JUDGE

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